

## INDIANA PHYSICAL THERAPY COMMITTEE

August 1, 2012

### MINUTES

- I. Mrs. Mary Bennett, P.T. called the meeting to order at 9:11 a.m. in Conference Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 W. Washington Street, Indianapolis, IN 46204. A quorum was established.

**Members Present:**

Mary Bennett, P.T., Chair  
Megan Certo, P.T., Member  
Maria Fletcher, M.D., Member  
Deborah Reed, P.T., Member

**Members Absent:**

None

**State Officials Present:**

Tasha Coleman, Board Director, Indiana Professional Licensing Agency  
Andre Phillips, Assistant Board Director, Indiana Professional Licensing Agency  
Gordon White, Board Advisory Council, Office of the Attorney General

II. **ADOPTION OF THE AGENDA**

A motion as made and seconded to adopt the agenda, as amended.

Reed/Certo  
3/0/0 Motion carried

III. **ADOPTION OF THE MINUTES FROM THE MAY 16, 2012 MEETING OF THE COMMITTEE**

A motion was made and seconded to adopt the Minutes from the May 16, 2012 meeting of the Committee, as amended.

Certo/Reed  
3/0/0 Motion carried

IV. **DISCUSSION ITEMS**

**A. Criminal Background Checks:**

Tasha Coleman informed the Committee that they would need to determine when to require that a CBC be completed by applicants. A motion was made and seconded to require that a CBC be completed prior to licensure being granted, in the event of a request for a temporary permit the CBC shall be required prior to the temporary permit being issued.

Certo/Reed  
3/0/0 Motion carried

**B. Clarification of article 6: Direct supervision**

The Committee discussed an email received from a licensed PT who wondered if she could have her PTA video tape the exam and she review the video and give supervision that way. The Committee requested that the staff respond that no, they may not do the evaluation via video tape.

**C. Open Door Laws:**

Tasha Coleman informed the Committee that as of January 2013 HEA 1003 allows the Board to hold electronic meetings as long as they conform to the open door act. 2/3 of the members must be physically present, each member must attend at least one meeting annually, Committee must set a policy (by the effective date) to be posted on the website, violation of the open door laws/public access will result in a civil penalty.

The Committee discussed the fact that their quorum is 3 members and 2/3 or the membership is also 3 members. They will review the statute and open door laws and write a policy at the November 2012 meeting.

**D. Military Licenses:**

Tasha Coleman informed the Board that as of July 1, 2012 HEA 1116 requires that the State of Indiana ease the barriers to licensure for military personnel and their spouses. Military personnel will be granted a license for all professions and exempted from taking the national and state jurisprudence exam if they can show that they completed education through the military that is substantially equivalent or exceeds educational requirements for licensure, have practice for two of the most recent five years, have a clean military record, and pay all applicable fees. Approval is to be made on a case by case basis.

Licensure for military spouses would be along the same line as a reciprocal license; as long as they have an active license to practice in another state and have taken the licensure exam the process would be shorter. Military spouses would have to show proof that their spouse has been active duty for two out of the most recent five years and in good standing.

The Committee stated that the PTs trained through the military would likely have gone through Baylor University which is a CAPTE approved program and would have taken the exam. The PTA program may be the only obstacle to go through as there does not appear to be an equivalent program. More research to be done as we go along.

**E. Rules Docket:**

Tasha Coleman informed the Board that as of July 1, 2012 HEA 1280 requires that the IPLA/Board post all information pertaining to rules on the web. Indiana Register has created that site and it can be found at [www.in.gov/rules](http://www.in.gov/rules).

**F. 2013 Meeting Dates:**

Tasha Coleman gave the Committee the 2013 meeting dates as follows:

- Feb. 6
- May 15 (CC)
- Aug. 7
- Nov. 6

Except as otherwise indicate the meetings will be held in Conference Room W064 of the Indiana Professional Licensing Agency.

**V. PROBATIONARY PERSONAL APPEARANCES**

**A. Sherri Jo Groce** did personally appear before the Committee as per the terms of her probationary order. She has submitted negative drug screens, self reports, AA attendance, and positive employer evaluations. She is doing a great job and is in full compliance.

**B. Larry Hall** did personally appear before the Committee as per their written request. The Committee wanted Mr. Hall to answer questions regarding his supervisor's letter which stated that he is still having issues with documentation. Additionally his order states that the Committee should be receiving supervision and documentation reports on a monthly basis and they have not been receiving them. Mr. Hall explained that he had never used a computer before for documentation. He was not being supervised for some time due to his supervisor being detained in India. Now she is back working with him and he is showing some improvement with documentation.

**VI. PERSONAL APPEARANCES**

**A. Dara Franklin**

Re: Positive Response Renewal

Ms. Franklin did personally appear before the Committee to answer questions regarding her positive response renewal application. Ms. Franklin indicated that in April 2011 she was arrested for OWI. She was ordered into criminal probation for one year, home detention for 180 days, NASA victim impact statement and restitution in the amount of \$853.25. Ms. Franklin successfully completed alcohol treatment, the NASA victim impact panel and 180 days of community corrections and completed criminal probation in July 2012. After hearing testimony and reviewing the information before them a motion was made and seconded renew the license unencumbered and to request quarterly personal statements as to the status of her sobriety, employment, and family status for the next year.

Fletcher/Certo

4/0/0 Motion carried

**B. Brian Hagedorn**

Re: Positive Response Renewal

Mr. Hagedorn did personally appear before the Committee to answer questions regarding his positive response renewal application. Mr. Hagedorn was charged with stalking, a class D felony, and violation of privacy, a class A misdemeanor. He is currently on criminal probation until May 2013. After hearing testimony and reviewing the information before them, a motion was made and seconded to place the license on probation. The probationary status is to run concurrent with his criminal probation. The probationary terms shall include having his employer submit a signed copy of his probationary order within 10 days, employer reports, personal reports, continue with counseling and report any major changes in the counseling schedule; documentation is to be sent on a quarterly basis. Once criminal probation has been successfully completed he may request withdrawal of his probationary status.

Fletcher/Certo

4/0/0 Motion carried

**C. Casey Venard**  
Re: Positive Response Application

Mr. Venard did personally appear before the Committee to answer questions regarding his positive response application for certification as a PTA. Mr. Venard reported that he had been arrested for the following offenses:

- DUI and resisting arrest in January 2001. He successfully completed 10 hours of DUI risk education and paid his fees.
- In March 2003 he was arrested for DUI, possession of cannabis, and paraphernalia for which his driver's license and driving privileges were revoked. He was successfully discharged from the addictions associates, inc.
- In April 2004 he was arrested for driving on a revoked license. In the process of this arrest the officers found 11 grams of marijuana, and a gram of illegal mushrooms in his home. He was required to pay \$449 in fines
- In May 2010 he was arrested for DUI.

After reviewing the information and hearing testimony, and taking notice that the last offense was in 2010 and has been closed, a motion was made and seconded to approve him to sit for the exam and be issued an unencumbered license upon the successful completion of the exam.

Certo/Reed  
4/0/0 Motion carried

**D. Trina Jenkins**  
Re: Positive Response Renewal

Ms. Jenkins did personally appear before the Committee to answer question regarding her positive response renewal. In May 2012 she was arrested for OWI. She was required to complete an evaluation on May 16, 2012, and the Victim Impact Panel on August 2, 2012. Should she be arrested again within one year she will have to go to prison for one year. A motion was made and seconded to renew the license unencumbered.

Reed/Fletcher  
4/0/0 Motion carried

**E. Kathleen Ray**  
Re: Positive Response Renewal

Ms. Ray did personally appear before the Committee to answer questions regarding her positive response renewal application. She was terminated in September 2011 for two alleged incidences of abuse (verbal) towards patients. She was reported to have yelled at one patient and kicking the wheelchair of another to get the patients to start their therapy sessions. She is currently working for "Therapy Staff" as a contract employee. After hearing her testimony and reviewing documentation, and hearing that the confidential complaint with the OAG (of which she informed the Committee) has been closed, a motion was made and seconded to renew the license unencumbered.

Certo/Fletcher  
4/0/0 Motion carried

**F. Hitesh Jain**

Re: Positive Response Renewal

Mr. Jain did personally appear before the Committee to answer questions regarding his positive response renewal. He was disciplined in the State of California in that his California license was issued in error. California's complaint states that he was issued a license in error in that one of the courses he listed was not inappropriate for an entry level license. The Committee finds that the violation in California was due to a misunderstanding with California and does not affect his Indiana license. A motion was made and seconded to approving the renewal of his license unencumbered.

Reed/Certo

4/0/0 Motion carried

**G. Stephanie Valley**

Re: Positive Response Renewal

Ms. Valley did personally appear before the Committee to answer questions regarding her positive response renewal. She had been arrested for DUI in December 2011 and was sentenced in January 2012, after pleading guilty was sentenced to 6 months of probation along with a restricted driver's license for 90 days, alcohol education program and a crime impact panel. She successfully completed all court ordered requirements. She is not practicing as a PTA in the State of Indiana (she is currently practicing in the State of Michigan). After hearing testimony and reviewing the information before them a motion was made and seconded to renew the license unencumbered.

Certo/Reed

4/0/0 Motion carried

**H. Dana Tameling**

Re: Positive Response Renewal

Ms. Tameling did personally appear before the Committee to answer questions regarding her positive response renewal. In December 2011 she was involved in an accident and charged with an OWI. She entered a voluntary outpatient program in January 2012 which she successfully completed in March 2012. A motion was made and seconded to make Ms. Tameling's license valid to practice while they wait on additional information regarding her pending criminal case and to forward the renewal information to the OAG for investigation. The Committee would like to see Ms. Tameling at their November 2012 meeting. She should bring with her a letter from her employer (on letterhead) which verifies her employment, proof of regular attendance at AA meeting, an updated status of her criminal case, and any other documents to support her request to renew her license.

Reed/Fletcher

4/0/0 Motion carried

**I. Elizabeth Crabtree**

Re: Positive Response Application

Ms. Crabtree did personally appear before the Committee to answer questions regarding her positive response application. In April 2012 she was arrested and charged with an OWI along with driving on a suspended license. After hearing testimony that her criminal case is pending until August 20, 2012 and reviewing the information she has submitted a motion was made and seconded

approve her to sit for the exam and make an appearance at the November meeting, by which time she should have had her criminal hearings and bring with her documentation regarding the final disposition of her cases.

Reed/Certo  
4/0/0 Motion carried

## **VI. ADMINSTRATIVE HEARINGS**

- A. In the matter of the certification of Patricia Mowbray, Certificate Number: 06002550A**  
Administrative Cause Number: 2012 PTC 0010  
Re: Settlement Agreement

**Resolution:** A motion was made and seconded to deny the settlement agreement and to set it for hearing at the November meeting with a settlement conference prior to that meeting.

Certo/Reed  
4/0/0 Motion carried

- B. In the matter of the license of Kamini Doshi, License Number: 05009196A**  
Administrative Cause Number: 2012 PTC 0009  
Re: Settlement Agreement

**Resolution:** A motion was made and seconded to adopt the settlement agreement as written. The settlement includes a letter of reprimand along with a fine of \$500.00 payable within 30 days of the date of the final order. In addition to the letter of reprimand and fine, within six months of the date of the final order she must request prior approval of and complete continuing education in the area of ethics.

Fletcher/Certo  
4/0/0 Motion carried

- C. In the matter of the license of Harichandra Vennelakanti, License Number: 05010246A**  
Administrative Cause Number: 2012 PTC 0002  
Re: Settlement Agreement

**Resolution:** A motion was made and seconded to adopt the settlement agreement as written. The settlement agreement shall include indefinite probation as well as a fine in the amount of \$1,000 made payable to the Indiana Professional Licensing Agency within 30 days of the final order.

Reed/Certo  
4/0/0 Motion carried

- D. In the matter of the license of Linda Sullivan, License Number: 05002873A**  
Administrative Cause Number: 2011 PTC 0003  
Re: Withdrawal of Probation

**Parties and Counsel Present:**  
Darren Covington, DAG  
Joshua Timmons, Graduate Legal Intern, OAG  
Robert Markette, Attorney for the Respondent  
Linda Sullivan, PT

**Witnesses:**

Linda Sullivan, PT

**Participating Committee Members:**

Mary Bennett, P.T.

Megan Certo, P.T.

Maria Fletcher, M.D.

Debbie Reed, P.T.

**Court Reporter:**

Susan Hessman

**Case Summary:** The Committee received a formal complaint from the OAG on May 24, 2011 which indicated that the Respondent had not properly supervised the PTA under her supervision. On December 7, 2011 a motion was made and seconded to approve a settlement agreement which will require probation for a minimum of 6 months, employer reports to be submitted to the Committee every 60 days, and have any physical therapy employers to sign a copy of the final order and return it to the PTC within 10 days.

**Resolution:** Due to the successful completion of probation a motion was made and seconded to withdraw the probation and issue the license unencumbered.

Reed/Fletcher

4/0/0 Motion carried

**E. In the matter of the license of Kelly Evert, License Number: 06002151A**

Administrative Cause Number: 2011 PTC 0003

Re: Complaint

**Parties and Counsel Present:**

Darren Covington, DAG

**Witnesses:**

None

**Participating Committee Members:**

Mary Bennett, P.T.

Megan Certo, P.T.

Maria Fletcher, M.D.

Debbie Reed, P.T.

**Court Reporter:**

Susan Hessman

**Case Summary:** The Committee received a complaint against the Respondent on May 24, 2011 and an amended complaint on September 2, 2011 which stated that the Respondent had treated 35 patients multiple times prior to the patients being seen by her supervising PT supervisor and after her supervisor discontinued the supervision relationship.

**Resolution:** A motion was made and seconded to hold the Respondent in default for failure to respond to the Committee's Notice of Proposed Default issued on May 25, 2012.

Certo/Reed  
4/0/0 Motion carried

**Final Resolution:** After hearing the information presented in the hearing a motion was made and seconded to suspend the license of Kelly Evert. She may not request that the suspension be lifted until she has done the following: pay a maximum fine of \$1,000.00 per patient (totaling \$35,000.00), certify in writing that she has read the statutes and rules regulating the PT profession in Indiana, submit a signed copy of the APTA's "Guide of Conduct for the PTA" and "The Standards of Ethical Conduct for the PTA", and submit proof of completion of a course on ethics for a PTA offered by the APTA.

Certo/Reed  
4/0/0 Motion carried

## **VII. PERSONAL APPEARANCES CONTINUED**

### **J. Raju Rajendran** Re: Positive Response Renewal

Mr. Rajendran did not appear before the Committee as requested to answer questions regarding his positive response renewal. Mr. Rajendran was terminated for documentation issues and was therefore disciplined in the State of Texas for those issues (inaccurately recording, falsifying, or otherwise altering patient/client records). A motion was made and seconded to deny the renewal based on his failure to appear.

Certo/Fletcher  
4/0/0 Motion carried

### **K. Ray Oblanca** Re: Positive Response Renewal

Mr. Oblanca did not appear before the Committee as requested to answer questions regarding his positive response renewal. Mr. Oblanca's PT license was disciplined in the State of Colorado, and placed on probation for one year for allegedly falsifying patient records. In his absence the Committee reviewed the information in his file and a motion was made and seconded to deny the renewal based on his failure to appear.

Certo/Fletcher  
3/1/0 (Reed opposed) Motion carried

### **L. Kathleen Johnson** Re: Positive Response Renewal

Ms. Johnson did personally appear before the Committee to answer questions regarding her positive response renewal. Ms. Johnson was terminated in March 2012 for not following agency policy and procedures for late data entry. After hearing testimony and reviewing the information submitted a motion was made and seconded to renew the license unencumbered.

Reed/Fletcher  
3/0/1 (Certo abstained) Motion carried



**M. Natalie Estes**

Re: Positive Response Renewal

Ms. Estes did personally appear before the Committee to answer questions regarding her positive response renewal. Ms. Estes reported that in November 2010 she was charged with a second offense of DUI in Kentucky and was convicted of that offense in August 2011. In the course of her testimony Ms. Estes reported that she had five alcohol related offenses of which she only reported one at the time of her initial application in 2010. A motion was made and seconded to renew the license on probation to run concurrent with the monitoring agreement with the Kentucky Board; any Indiana employers would be required to sign the order and send a copy to the Committee within 7 days. She must keep the Committee informed of her current contact information (including email address). She may not apply to withdraw probation until she has successfully completed the monitoring program with Kentucky.

Reed/Certo

4/0/0 Motion carried

**N. Peggy Kirsch**

Re: Positive Response Renewal

Ms. Kirsch along with her employer did personally appear before the Committee to answer questions regarding her positive response renewal. Ms. Kirsch was convicted of a misdemeanor DUI in December 2010. She was placed on criminal probation and successfully completed said probation in December 2011. After hearing testimony and reviewing the information a motion was made and seconded to renew the license unencumbered.

Certo/Reed

4/0/0 Motion carried

**O. Suzette David-Boyle**

Re: Reinstatement Application

Ms. David-Boyle did personally appear before the Committee to request reinstatement of her license which has been expired in Indiana since 2008, and has an active license to practice in the State of Illinois. After hearing testimony and reviewing the information in the file a motion was made and seconded to reinstate the license upon receipt of transcripts, resume, and verification of the Illinois license.

Certo/Fletcher

4/0/0 Motion carried

**P. Christine Schutt**

Re: Reinstatement

Ms. Schutt did personally appear before the Committee to request reinstatement of her expired license which has been expired since 2008. Upon reviewing the information the Committee found that we are still waiting on verification from IL, CA, and GA as well as transcripts. A motion was made and seconded to reinstate the license upon receipt of all pending documentation.

Certo/Fletcher

4/0/0 Motion carried

## VIII. APPLICATION REVIEW

### A. Karen Ortmann

Re: Education Review

Motion was made and seconded to approve the education review and issue her license by endorsement.

Reed/Fletcher

4/0/0 Motion carried

### B. Kelly Evert

Re: Renewal

A motion was made and seconded to require IPLA to send a consumer complaint to the OAG based on her failure to answer the question on her renewal honestly that she had formal charges pending against her PTA certificate.

Reed/Certo

4/0/0 Motion carried

## IX. DISCUSSION ITEMS CONTINUED

**G. Probation Report by Megan Certo:** Megan Certo reported that all of the probationers are in compliance with the exception of the following:

- Ronald Cole is in need of submitting a signed order from his employer as well as his reports from the Kentucky. A motion was made and seconded to require that he appear before the next committee meeting.

Certo/Fletcher

4/0/0 Motion carried

- Ruth Cenovo Worthing has not submitted any reports which are required per her order. The Committee requested that staff send a letter reminding her to submit her letters and complete the ethics continuing education as ordered in her probationary order.

**H. FSBPT Report:** Maria Fletcher and Andre Phillips attended the Board member and administrative staff training through FSBPT. All of the information that was covered at the meeting is available on the FSBPT website.

There are four test dates for 2013 for both PT and PTA.

The Committee discussed the annual meeting where the Committee is going to welcome the conference to the Great State of Indiana. Megan will work on putting together a list of events for that weekend in Indianapolis to give to the organizing committee with FSBPT. Megan will submit the video which includes the welcome from the Mayor by the end of August.

**I. Dry Needling:** Nathaniel Kloosterman appeared before the Committee to discuss the issue of dry needling in Indiana. Indiana does not take a position on needling and does not offer a

certification for this practice. The current Indiana statute is open and does not specifically state whether or not it is appropriate. The statute is up to interpretation and any PT who is interested in needling they should consult their legal counsel. If someone was brought before the Committee for an incident resulting from using needling, the Committee would ask they what their qualifications were and determine if they were adequately educated in needling. The Committee advised Mr. Kloosterman to contact the INAPTA and get a legal opinion from them.

**J. ROEC Update:** Mary Bennett and Tasha Coleman gave an update from the last ROEC meeting. The Committee is hopeful that ROEC will seriously consider the Committee's request to become a Board independent of the Medical Licensing Board.

**K. Continuing Competence Rule:** Tasha Coleman informed the Committee that we are still waiting on approval to move forward with the CC rule. The Rule is currently with SBA.

**X. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Physical Therapy Committee adjourned at 6:00 p.m.

  
Mary Bennett, PT